

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

WELLS FARGO BANK, N.A., as Securities  
Intermediary,

Plaintiff,

v.

AMERITAS LIFE INSURANCE CORP.,

Defendant.

Misc. No. \_\_\_\_\_

D. Neb. No. 4:21-cv-03118-JMG-CRZ

**AMERITAS LIFE INSURANCE CORPORATION’S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS BY MICHAEL BINDAY**

Defendant, Ameritas Life Insurance Corporation (“Ameritas”) respectfully moves this Court for an entry of an order under Fed. R. Civ. P. 45 compelling Michael Binda y to produce all responsive documents in accordance with the Subpoena *Duces Tecum* served on Michael Binda y by Ameritas (the “Subpoenas”) in a STOLI case pending in the United States District Court for the District of Nebraska, *Wells Fargo Bank, N.A. v. Ameritas Life Ins. Corp.*, Case No. 4:21-cv-03118-JMG-CRZ (the “Nebraska Action”). The grounds for this Motion are set forth more fully in the accompanying Memorandum of Law and its exhibits.

Dated: August 25, 2023

Respectfully submitted,

/s/ Matthew L. Elkin

Matthew L. Elkin (NY 4934352)

COZEN O’CONNOR

3WTC, 175 Greenwich St.

55th Floor

New York, NY 10007

Tel. (212) 453-3786

melkin@cozen.com

Chase A. Howard (*pro hac vice forthcoming*)

Nicolas A. Novy (*pro hac vice forthcoming*)

COZEN O’CONNOR

One Liberty Plaza, Suite 2800  
Philadelphia, PA 19103  
(215) 665-2000  
chasehoward@cozen.com  
nnovy@cozen.com

*Attorneys for Ameritas Life Insurance Corporation*